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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,629	03/15/2004	Naoya Tanikawa	000409-098	8545

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EXAMINER

LE, DAVID D

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,629

Applicant(s)

TANIKAWA, NAOYA

Examiner

David D. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first Office action on the merits of Application No. 10/799,629, filed on 15 March 2004. Claims 1-5 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
- Information Disclosure Statement, received on 07/26/04
 - Foreign Priority Document, received on 07/26/04

Claim Objections

3. Claim 1 is objected to because of the following informalities:
- Claim 1 uses terminologies, first member and second member, which do not agree with the “first member and second member”, as described in paragraph 0020 of the present specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,230,664 to Michioka et al.

Claims 1-5:

Michioka (i.e., Figs. 1-3; column 2, line 12 – column 5, line 21) discloses a lubricating system for an automatic transmission comprising:

- A first member (i.e., Fig. 3, element 13) splined to and rotating integrally with an input shaft (i.e., Fig. 3, element 1) and including a first cylindrical portion having an inner spline at an inner peripheral surface thereof (i.e., Fig. 3, being the portion at the vicinity of the clutch plates);
- A second member (i.e., Fig. 3, being the combination of elements 20 and 47) including a second cylindrical portion (i.e., Fig. 3, being the portion in the vicinity of reference number 47) having an outer spline for engaging with the inner spline of the first member (i.e., column 3, lines 34-35) and a depressed portion (i.e., Fig. 3, being the valley/groove bottoms of the outer spline that meshes with the spline of element 13) formed on the second member;
- A clearance (i.e., Figs. 1 and 3, being the inner area surrounded by elements 13 and 47), which establishes a communication between an inner portion surrounded by the first and second members, as defined above, and an outer portion of the first and second members, via the second lubrication circuit 71, is formed between the depressed portion of the second member and the inner surface of the first member (i.e., Figs. 1 and 3);

- Wherein the input shaft is engaged with the torque converter (i.e., Fig. 1 and column 2, lines 61-64); and
- Wherein the depressed portion formed at groove bottoms of the outer spline of the second member is formed inward direction (i.e., Figs. 1 or 3).

Note:

- Claim 2 recites the limitation “wherein the first member rotating integrally with the input shaft and including the first cylindrical portion having the inner spline at the inner peripheral surface is connected with the input shaft by welding.”
- Claim 3 recites the limitation “wherein the input shaft is engaged with a torque converter through spline engagement manner.”
- Claim 4 recites the limitation “wherein the depressed portion formed at part of or all of groove bottoms of the outer spline of the second member is formed by pressing process.”

The above-mentioned limitations are directed to a method of forming the device.

These limitations are not germane to the issue of patentability of the device itself.

Therefore, these limitations have not been given patentable weight.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Moorman et al. (U. S. Patent No. 6,595,340) teaches a charging system for a rotating clutch assembly as shown in Fig. 1.
- Kobo et al. (U. S. Patent No. 4,241,622) teaches an automatic transmission as shown in Fig. 2.
- Matsuoka et al. (U. S. Patent No. 5,967,929) teaches a multiple disk clutch as shown in Fig. 2.
- Yamaguchi (U. S. Patent No. 5,607,371) teaches a fluid passage arrangement for a continuously variable transmission as shown in Fig. 2.
- Tanikawa (U. S. Patent Application No. US 2004/0138022) teaches a lubricating system for an automatic transmission as shown in Fig. 2.
- Tanikawa (U. S. Patent Application No. US 2004/0121878) teaches an output shaft supporting structure for an automatic transmission as shown in Fig. 1.
- Japanese Patent No. JP361041048A teaches a lubricating mechanism of a frictional engagement device as shown in Fig. 1.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ddl


CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
ART UNIT 3681